



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

POST OFFICE BOX 12267
COLUMBIA 29211

February 18, 2004

The Honorable André Bauer
President of the Senate
State House, 1st Floor, East Wing
Columbia, South Carolina 29202

Mr. President and Members of the Senate:

I am hereby returning without my approval S. 731, R-186, an Act:

TO AMEND SECTION 50-13-25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FISHING SEASON AND OTHER FISHING REGULATIONS ON SLADE LAKE IN EDGEFIELD COUNTY, SO AS TO FURTHER SPECIFY THESE REGULATIONS AND TO ALSO PROHIBIT THE USE OF NONGAME FISHING DEVICES AND THE POSSESSION OF FIREARMS, GLASS CONTAINERS, AND ALCOHOL AND TO PROHIBIT LITTERING AND THE IMPROPER OPERATION OR PARKING OF MOTOR VEHICLES.

This veto is based on my belief that this bill is unconstitutional. S. 731, R-186 proposes to prohibit and regulate certain activities on Slade Lake and the recreational area of Slade Lake in Edgefield County which is owned and managed by the Town of Edgefield, not the South Carolina Department of Natural Resources. As such, S. 731, R-186, affects only Edgefield County and does not otherwise require state sanction by the Department of Natural Resources. Therefore, this act is clearly an act for a specific county in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted." Acts similar to S. 731, R-186 have been struck down by the South Carolina Supreme Court as violative of Article VIII, Section 7.

The General Assembly regulates local communities' use of many individual lakes in South Carolina on a lake-by-lake basis, including privately-owned lakes and lakes owned by local governments. I believe such regulation is not only unconstitutional, but also encroaches upon a local government's authority to regulate its own community's activities and enforce its own laws. It is my belief that local governments can best address the specific needs and interests of its communities. Because Slade Lake is owned and managed by the Town of Edgefield, the

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Town or County of Edgefield has the authority and expertise to regulate the Edgefield community's use of Slade Lake and the recreational area of Slade Lake.

For these reasons, I am returning S. 731, R-186 to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Sanford', with a long horizontal stroke extending to the right.

Mark Sanford
Governor